

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|--|---|------------------------|
| Tony A. Fair, Jr., #Y298270, |) | |
| |) | C/A No.: 9:05-2430-MBS |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| Ms. Hallman, Mr. Rainwater, |) | O R D E R |
| Mr. Michael Sheedy (Institution Warden), |) | |
| and Ms. Player, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff Tony A. Fair, Jr. is an inmate in custody of the South Carolina Department of Corrections. Plaintiff, appearing pro se, brought this action under 42 U.S.C. § 1983, asserting Defendants violated his constitutional rights under the Fourteenth and Eighth Amendments.

This matter is before the court on motion for summary judgment filed by Defendants on February 16, 2006. On February 17, 2006, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff filed a response to the motion on March 20, 2006.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge George C. Kosko for pretrial handling. On March 31, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that Defendants' motion for summary judgment be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. Defendants' motion for summary judgment is **granted**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

May 1, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.